

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: EAST PALESTINE TRAIN
DERAILMENT**

STEVEN MCKAY, *et al.*, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NORFOLK SOUTHERN CORPORATION, *et al.*,

Defendants/Third-Party Plaintiffs,

v.

OXYVINYLS LP, *et al.*,

Third-Party Defendants.

Case No. 4:23-CV-00242-BYP

JUDGE BENITA Y. PEARSON

AMENDED ORDER

[Resolving ECF No. 321]

Upon review of Defendants/Third-Party Plaintiffs Norfolk Southern Corporation and Norfolk Southern Railway Company's ("Norfolk Southern") Notice of Errata as to its Motion for Leave to File Under Seal (ECF No. 321), the Court hereby amends its Order at ECF No. 322 as follows:

Norfolk Southern requests permission to file under seal (a) Pages 17, 18, 19, 39, 40, 41, 42, 62, 63, 64, 65, 141, 185, 186, 257, 258, 259, 265, 266, 267, and 268 of the transcript of the December 5, 2023 deposition of Jesus Parada and Pages 229, 230, 231, 232, 233, 234, 235, and 236 of the transcript of the December 7, 2023 deposition of John Sbragia and (b) direct references to the testimony on those pages cited in Norfolk Southern's yet to be filed Appeal of the Magistrate Judge's December 12, 2023 Order Regarding Deposition Time Allocation and Environmental

Sampling. According to Norfolk Southern, the matters to be filed under seal include potentially sensitive and confidential business information and as such the transcripts have been marked confidential by New Party Defendants/Third-Party Defendants GATX Corporation and General American Marks Company pursuant to the parties' Stipulated Protective Order (ECF No. 127).¹ For good cause shown, the motion is granted. *See* Electronic Filing Policies and Procedures Manual at Sections 19 and 24 for filing documents under seal. Norfolk Southern shall file a redacted version of its Appeal in the public record with direct references to the referenced transcript pages redacted.

IT IS SO ORDERED.

December 21, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

¹ ECF No. 127 applies to all materials (including documents or testimony) produced by non-parties in response to subpoenas issued in connection with this matter. *See* Minutes of Proceedings dated September 27, 2023.